



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

Minutes of the November 6, 2003 meeting of the  
Commission on Governmental Ethics and Election Practices  
held in the Commission's Meeting Room,  
PUC Building, 242 State Street, Augusta, Maine

Present: Chair Andrew Ketterer; Hon. James O. Donnelly; Hon. David N. Ott. Staff:  
Executive Director Jonathan Wayne; Counsel Phyllis Gardiner; Administrative  
Assistant Kendra Danforth.

At 9:17 a.m., Chair Ketterer convened the meeting. The Commission considered the  
following items:

Agenda Item #1 – Ratification of minutes of October 8, 2003 meeting  
Mr. Donnelly moved, Mr. Ott seconded, and the members voted unanimously to adopt the  
draft minutes of the October 8, 2003 meeting.

Agenda Item #2 – Pete Didisheim/Natural Resources Council of Maine  
Pete Didisheim filed his monthly lobbyist report one day late on October 16, 2003. The  
Commission members considered a letter from Mr. Didisheim requesting a reduction of the  
statutory penalty of \$100. The staff recommended a penalty of \$50, which reflected a 50%  
reduction because Mr. Didisheim had not previously been late in filing a monthly report.  
Mr. Donnelly moved, Mr. Ott seconded, and the members voted unanimously to adopt the  
staff recommendation of a \$50 penalty.

Agenda Item #3 – James D. Atwood  
James D. Atwood was a candidate for York County Treasurer in the 2002 elections. He  
did not file the 6-day pre-general election report until July 15, 2003. The Commission  
members considered a presentation by Mr. Atwood, in which he stated that he ran a very  
small campaign for county office; that the only contribution received by the campaign  
other than funds from the candidate was in the amount of \$250; that he became responsible  
for filing the campaign finance reports for his campaign shortly before the election because  
his treasurer became unavailable; and that due to his parents' illness he took over the  
family business. The Commission members noted that mitigating circumstances existed  
which merited reducing the penalty from the statutory amount. Mr. Ott moved that the

Commission assess a penalty of \$250. Mr. Donnelly seconded the motion, and the members voted unanimously in favor of the motion.

Agenda Item #4 – Representative Edward DuGay

Prior to the meeting, Representative Edward DuGay filed the semi-annual campaign finance report that was due July 15, 2003 and paid an outstanding penalty of \$310.50. Because these issues were resolved, no action was required by the Commission.

Agenda Item #5 – John Fink

John Fink was a candidate for House of Representatives in the 2002 elections. He did not file a campaign finance report due July 15, 2003, which was required because his campaign had a post-election cash balance of \$981.42. Mr. Wayne described a recent telephone conversation with the candidate's wife in which she stated that the filings were late because of illness of the candidate and his family. The Commission members noted that the Commission was constrained by the Election Law to refer Mr. Fink to the Attorney General's Office because a failure to file a campaign finance report within 30 days of the deadline is a criminal violation. Mr. Donnelly moved, Mr. Ott seconded, and the members voted unanimously to refer the candidate to the Attorney General for appropriate action.

Agenda Item #6 – Representative Joseph Perry

Prior to the meeting, Representative Joseph Perry paid an outstanding penalty of \$205.56. Because this matter was resolved, no action was required by the Commission.

Agenda Item #7 – Senator Kevin L. Shorey

Prior to the meeting, Senator Kevin L. Shorey paid \$1,125 to the Commission, which was the reported fair market value of equipment purchased with Maine Clean Election Act funds during the 2002 elections. Because this issue was resolved, no action was required by the Commission.

Agenda Item #8 – Commercial Use of Contributor Information

The Commission director informed the Commission members that two private companies had inquired into whether there were restrictions on their use of information posted on the Commission Web site regarding contributors to political campaigns in Maine. It appeared that these companies were interested in gathering the information to sell it to fundraisers and consultants. The Commission members requested that Mr. Wayne advise the Co-Chairs of the Legal and Veterans Affairs Committee and the Office of the Governor of the apparent interest by private companies in selling information about Maine contributors.

Agenda Item #9 – Update on Ethics Commission Request for Clean Election Funds

The Commission director stated that the staff had sent to the Bureau of the Budget the Commission's request for an appropriation of \$1.5 million for the Maine Clean Election Fund. The Commission bill was submitted to the Legislature by the cloture deadline.

Agenda Item #10 – Request to Address Commission by House Republican Leadership

At a previous meeting with the Commission director, House Minority Leader Joseph Bruno and Assistant House Minority Leader David E. Bowles expressed their interest in meeting with the Commission members to discuss some concerns regarding the Maine Clean Election Act. The Commission members responded that they would be pleased to hear the Representatives' views at the Commission meetings in December or January. They also stated that the Representatives were welcome to telephone the Commission members directly to discuss the Maine Clean Election Act.

There being no further business, the Commission adjourned at 10:12 a.m.

Dated: January \_\_\_, 2004

Respectfully submitted,

Jonathan Wayne  
Executive Director